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OFFICE OF PETITIONS

In re Application of :
Cox et al. :
Application No. 10/026,384 : **ON PETITION**
Filing or 371(c) Date: 12/21/2001 :
Attorney Docket Number: :
RSW920010209US1 :

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b), filed July 10, 2006. The delay in treating this petition is regretted.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely reply to the final office action, mailed January 5, 2004. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available.

Applicant filed an Amendment in reply to the Office action on March 8, 2004. The reply was mis-placed by the Office. Applicant was so notified in a Notice Under 37 CFR 1.251, mailed April 18, 2005.

Applicant filed a copy of the previously-filed Amendment that included a Certificate of Mailing under 37 CFR 1.8, along with a copy of a return-receipt postcard evidencing receipt by this Office of the Amendment on March 11, 2004 (Certificate of Mailing dated March 8, 2004).

The Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed June 6, 2005.

No timely and proper reply having been received, the application became abandoned April 6, 2004. A Notice of Abandonment was mailed June 6, 2005.

The instant petition under 37 CFR 1.137(b)

Applicant files the instant petition to revive the application. A Request for Continued Examination ("RCE") and Amendment were filed on June 30, 2005. Accordingly, the petition is granted.

This application is being referred to Technology Center Art Unit 2857 for processing of the RCE and Amendment.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods", followed by a stylized flourish.

Derek L. Woods
Attorney
Office of Petitions